Water Act jurisdictional boundary. Consider options in coordination with federal and state partners that may be implemented to protect ESA species, aquatic resources, and critical habitat: Since at least 2015, Puget Sound Tribes have asked the USACE and EPA to use Highest Astronomical Tide (HAT) instead of Mean Higher High Water (MHHW) mark as the tidal datum to determine the High Tide <u>Line – the</u> landward extent of Clean Water Act (CWA) regulatory jurisdiction in tidally-influenced water. The Corps convened a workgroup (staff from EPA, NOAA and the Corps) in January 2016, which met biweekly through September 2016. Ex. 5 - Deliberative Process

USACE/EPA/NOAA: Protection of aquatic resources including ESA habitat landward of the Corps Clean